

REMARKS

1. Status of the Claims

Claims 1-38, 40-43, and 45-56 were pending before this response. In the office action of March 14, 2005, the Examiner allowed claims 1-38, 40-41, and 48-56, and rejected claims 42-43 and 45-47. The Examiner indicated that claims 43 and 45 would be allowable if rewritten in independent form.

Applicant has now amended claim 42 and canceled claim 45. The amendments to claim 45 are supported in claim 45 and in the specification at page 6, lines 9-11 and page 12, lines 17-19.

After entry of the amendments, claims 1-38, 40-43, and 46-56 are pending.

2. Rejection under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claim 42 because the Examiner stated that the application was not enabling for any type of azeotroping agent and any type of cyclic ester. Although applicant does not agree with this rejection, in order to move the prosecution of this application forward, applicant has amended claim 42 such that the rejection should be overcome.

Claim 42 now incorporates the list of azeotroping agents that was in previous claim 45. Claim 42 also states that the cyclic ester is the cyclic ester of a hydroxy organic acid that has 2-6 carbon atoms. This is supported in the specification at page 6, lines 9-11 and page 12, lines 17-19.

Applicant believes that the enablement rejection of claim 42 should be withdrawn.

3. Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 42-43 and 45-47 as being indefinite. Although applicant does not agree with these rejections, in order to move the prosecution of this application forward, applicant has amended claim 42 such that the rejection should be overcome.

The Examiner stated that "heating" should be changed to "azeotropically distilling" in claim 42. Applicant has made this amendment.

It appears that claims 43 and 45-47 were only included in this rejection because they depended on claim 42. Therefore, applicant believes that the § 112, second paragraph rejection should be withdrawn.

4. Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 42 and 46-47 as being unpatentable over Burzin U.S. Patent 4,136,098. The Examiner indicated that claims 43 and 45 would be allowable if rewritten in independent form. Although applicant does not agree with the rejection, in order to move the prosecution of this application forward, applicant has amended claim 42 such that the rejection should be overcome.

One of the amendments to claim 42 incorporates the limitations of previous claim 45. Since the Examiner indicated that the latter claim would be patentable over Burzin, amended claim 42 should likewise now be patentable. Claims 46 and 47 depend on claim 42, and therefore are also patentable over Burzin.

5. Conclusion

Applicant believes that all the pending claims (1-38, 40-43, and 46-56) are in condition for allowance. Please contact the undersigned attorney if there are any questions regarding this response.

Respectfully submitted,

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